

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA )  
v. ) Criminal No. 03-39  
EUGENE DEWAYNE STURDIVANT )

## ORDER

The defendant's motion for a reduction of sentence pursuant to the 18 U.S.C. § 3582(c)(2) is hereby DENIED. This Court is bound by the Third Circuit's opinion in United States v. Mateo, 560 F.3d 152 (3d Cir. 2009), which is directly on point and requires the Court to deny the motion. The defendant has preserved his argument for a reduction in sentence should the Third Circuit overrule Mateo.

### Geological Observations

**Donetta W. Ambrose  
Senior United States District Judge**

